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# Convention on the Rights of the Child

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**Committee on the Rights of the Child**
**Seventy-second session**

**Summary record of the 2123rd meeting**
Held at the Palais Wilson, Geneva, on Monday, 30 May 2016, at 10 a.m.

*Chair*: Mr. Mezmur

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*The meeting was called to order at 10 a.m.*

**Consideration of reports of States parties** (*continued*)

*Combined third to fifth periodic reports of Bulgaria* (CRC/C/BGR/3-5; CRC/C/BGR/Q/3-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Bulgaria took places at the Committee table.*

2. **Ms. Micheva-Ruseva** (Bulgaria) said that all the measures taken by her Government to implement the Convention were based on the principles of the best interests of the child and non-discrimination. Bulgaria was preparing new juvenile justice legislation based on international best practices which would set the minimum age of criminal responsibility at 14 years, do away with punitive sanctions for status offences and provide for mandatory assessments of the capacity of children in conflict with the law to understand the nature of their actions. It would regulate the activities of authorities that dealt with such children, including the specialized departments of the police and prosecution service and specialized courts. An increasing number of magistrates were receiving specialist training in the field of juvenile justice. The legislation would also establish various guiding principles with respect to children in conflict with the law, such as non-discrimination, the best interests of the child, the right of the child to participate in all stages of the juvenile justice process and respect for the rule of law and human rights while protecting the child's dignity and ensuring his or her social reintegration. Moreover, it would provide for pretrial diversion programmes, subject to the child's informed consent, during which the child would receive legal and other assistance and take part in determining the conditions laid down under the programmes. Amendments had been made to the Code of Criminal Procedure in order to ensure that a child could be imprisoned only in exceptional cases and for the shortest possible period. Lastly, the legislation would provide for prevention, support, reintegration and resocialization measures. Although the law had not yet been passed, a number of judges, prosecutors, police officers and social workers had already received relevant juvenile justice training. Fifteen "blue rooms" located outside the courthouses had been provided for interviewing children involved in criminal, civil or administrative proceedings. Furthermore, there were plans to amend the Code of Criminal Procedure to provide that child victims of crime should be interviewed in child-friendly spaces by specialized personnel. It would also provide that such interviews should be conducted as early as possible during pretrial proceedings and that the number of interviews should be minimized. In civil proceedings, particularly in cases of divorce and custody disputes, mediation was encouraged in order to protect the child from unnecessary suffering. The Ministry of Justice had also prepared an amendment to the Family Code with a view to guaranteeing the right of children to know their origins.

3. In the area of social services, various residential children's institutions had been closed down and alternative care arrangements developed. The deinstitutionalization process had been carried out in accordance with the United Nations Guidelines for the Alternative Care of Children. Individual assessments had been conducted for each child who had been removed from a residential institution, and efforts had been made to reunite all of those children with their biological families or place them in alternative family care. The majority had been accommodated in small group homes, which aimed to recreate a family environment and were situated close to medical facilities and schools. Focused efforts were being made to prevent child abandonment, including through the establishment of early intervention and child development services and the provision of family support.

4. The Preschool and School Education Act was scheduled to come into force in early August 2016. The Act empowered schools, teachers, parents and students to contribute to the development of school curricula and establish community councils. That law was

designed to reflect changes in social development and meet the expectations of educational stakeholders by guaranteeing access to education and preventing school dropout, supporting the individual development of each child, improving the structure and quality of education, facilitating public control of education, ensuring independent inspections of educational establishments and providing for the professional development of teachers. Among the measures implemented to ensure that the education system would be inclusive, all children with special needs were provided with a resource teacher.

5. Her Government was aware of the various challenges that had yet to be addressed, including support for children with disabilities and their families and measures to protect the rights of Roma and refugee children, and it was committed to pursuing its active efforts in those areas.

6. **Mr. Gastaud** (Country Rapporteur) said that he welcomed the progress made by the State party, in particular the adoption of the Family Code, amendments to criminal legislation and the implementation of various programmes, including in the areas of domestic violence, literacy and school dropout. He wished to know whether the Government would be attempting to put the children's bill that had been defeated up for reconsideration. Would a new draft be submitted and awareness campaigns organized in order to overcome public resistance to the legislation? He also asked whether the State party intended to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. While NGOs and civil society had been involved in preparing the State party report, it appeared that their contribution had been very limited.

7. Referring to paragraph 4 of the replies to the list of issues (CRC/C/BGR/Q/3-5/Add.1), he asked what progress had been made in addressing the problems identified during the evaluation of the National Strategy for Children. He wished to know whether the strategy received earmarked budgetary allocations and whether it was being implemented by various different ministries.

8. He would be interested to know whether the State Agency for Child Protection had the necessary authority to ensure effective coordination between institutions responsible for protecting children's rights, given that it fell under the jurisdiction of the Ministry of Labour and Social Policy, and whether there was a truly independent body tasked exclusively with monitoring the implementation of the Convention. It appeared that the Office of the Ombudsman of Bulgaria did not comply fully with the Paris Principles and was not authorized to investigate complaints. Furthermore, there did not appear to be an ombudsman responsible for dealing with children's issues specifically.

9. Referring to the significant levels of poverty experienced by some families in Bulgaria, he asked whether there were plans to adopt a specific budget policy to address the needs of those families. The issue of budget allocations could not be dissociated from that of corruption, which was relatively widespread in Bulgaria. Noting that there had been very few prosecutions in that regard, he asked whether anti-corruption measures had been introduced to address that problem.

10. He asked whether the data collected by the National Statistical Institute and the State Agency for Child Protection were shared in order to produce a clear picture of the situation faced by children in the State party. It appeared that there were no common criteria for data collection, which hampered policymaking.

11. He would welcome further information on the difficulties encountered in disseminating information on the Convention and providing relevant training and would like to know what was being done to train professionals working for and with children. Lastly, he asked whether measures had been taken to address the non-registration of births in marginalized populations.

12. **Mr. Madi** (Country Rapporteur), referring to paragraph 48 of the State party's report (CRC/C/BGR/3-5), said that he would appreciate it if the delegation could provide some examples of the compelling reasons for authorizing early marriages. Would the State party be willing to abolish such exceptions to the minimum age for marriage? He would also be interested to know what was being done to address early marriage in the Roma community.

13. Discrimination against Roma children in school led to increased dropout rates. Furthermore, in many cases, financial constraints faced by Roma families stood in the way of children's enrolment in kindergarten, which meant that they often were not prepared to start primary school. He wondered what measures were being taken to address those issues. Children with disabilities also continued to suffer discrimination owing to the continued use of a traditional medical approach to disability whereby disability was seen as an illness. Further efforts were required in order to ensure inclusive education and social integration. In addition, measures should be taken to protect the rights of refugee children.

14. While the Child Protection Act established the best interests of the child as a fundamental principle of child protection, it appeared that the principle was not always applied as a primary consideration in practice owing to a lack of understanding of that concept on the part of judicial and administrative authorities. Furthermore, while the Act granted all children over the age of 10 the right to be heard, that right was exercised at the discretion of the professionals involved in each case, not all of whom were sufficiently trained in children's rights. Therefore, relevant training should be provided and the Committee's general comment No. 14 disseminated among professionals working with children.

15. He welcomed the progress made in ensuring the right to life, survival and development but there was also a need to focus efforts on protecting children coming from marginalized and disadvantaged backgrounds, who were reportedly increasingly exposed to unsafe home, play and road environments. Lastly, he requested more information on investigations into cases involving deaths of children with intellectual and psychosocial disabilities in institutions.

16. **Ms. Aldoseri** said that, while the issue of birth registration did not appear to be a serious problem in the State party, she would nonetheless be grateful for more information on the reasons why some births that were still not being registered. It appeared that registration rates were lower in rural areas, among socioeconomically disadvantaged families and in cases where the child was not born in a hospital or was born outside Bulgaria.

17. **Ms. Winter** said that she was concerned about the use of mobile phones in schools to bully other students, which sometimes amounted to torture. She asked whether the delegation could provide statistics relating to police violence and the number of such cases that had been investigated and prosecuted. She wished to know whether there were any initiatives in place to combat the serious problem of child trafficking in the State party. Lastly, she would appreciate more information on the traditional practice of "salting" newborn babies.

18. **Mr. Nelson** said that he would be interested to know whether there were any rehabilitation facilities for child victims of domestic violence and sexual abuse. If so, how many were there, how were they funded, how well were their staff trained and did they meet the children's educational needs? He asked whether child victims of domestic violence were automatically removed from the home environment or whether they could only be removed by judicial order. Lastly, he asked whether any measures were being taken to increase the number of persons who staffed child helplines and to enhance their training.

*The meeting was suspended at 10.40 a.m. and resumed at 11 a.m.*

19. **Ms. Micheva-Ruseva** (Bulgaria) said that, although the children's bill had not yet been adopted, most of its provisions were already contained in existing legislation, including laws on the family, juvenile justice and the protection of children. Work on the bill would continue, with the cooperation of a number of NGOs, but the Government was currently focusing its efforts on passing new legislation on juvenile justice and corruption.

20. The courts could grant minors aged between 16 and 18 years permission to marry and usually did so where the girl concerned was pregnant. Although the authorities were considering amending the relevant legislation, for the time being it was better for a judge to explain to such young couples the consequences and obligations of a marriage rather than to have them live together without such guidance. Significant efforts were being made to prosecute and convict men who cohabited with underage girls. However, the penalties for such acts were insufficient and thus ineffective.

21. **Mr. Madi** said that the national authorities should consider following the example of the Government of Ireland, which was currently in the process of removing a legal loophole that allowed persons under the age of 18 years to marry. He asked how the courts dealt with cases of pregnant girls aged 14 or 15 years who wished to marry.

22. **Ms. Micheva-Ruseva** (Bulgaria) said that cases involving girls aged under 16 years who wished to marry were not dealt with by the courts. The authorities were trying to tackle the issue of early marriage through education initiatives targeting girls and boys, in particular members of the Roma community. While there might well be cases in which the best interests of the child had not been taken into account in judicial decisions, judges were currently being provided with training in the rights of the child. University law courses were being overhauled to incorporate the subject of human rights, including the rights of the child. She herself had been lecturing in universities to raise awareness about the rights of persons with disabilities and the Government's plans to amend the law concerning the guardianship of persons with intellectual disabilities. In 2015, 60 judges, social workers, police officials and prosecutors had received training on the Convention.

23. The courts were legally obliged to hear the views of children over the age of 10 years in cases involving adoption, placement in a children's home or child custody, provided that the interview process, which was usually carried out in a child-friendly environment, was not deemed to be detrimental to the child's emotional state. While judges could not seek the opinions of children under the age of 10 years directly, they could draw on the reports of the social workers concerned, which took into account the children's opinions, and could make further enquiries concerning their views if necessary.

24. The Prosecutor's Office and the Prosecutor General had carried out over 200 investigations into the deaths of children with disabilities in institutions but had not uncovered any proof of violations by the corresponding administrative authorities. A number of officials working at a juvenile correctional facility in Boychinovtsi had been transferred following an investigation into allegations of abuse of minors, despite the fact that no evidence of such abuse had been found. However, once the minors concerned had been released, the officials in question had been reinstated at the facility.

25. Births in rural areas were registered and the birth registration system in Bulgaria was effective. There was, however, the problem of what probably constituted the sale of or trafficking in Bulgarian infants born abroad, in particular in Greece. A number of cases of pregnant Bulgarian women who travelled to Greece to give birth and then give up their babies had been reported. In a likely effort on the part of Greek couples to get around official adoption procedures, a prospective male parent would recognize a newborn child of a Bulgarian woman as his own before a notary and his wife would do the same thereafter. The Government was currently seeking to cooperate with the Greek authorities in order to prevent such illegal adoptions, but thus far to no avail. Although there was a need to

introduce more adequate legal safeguards against false paternity claims of that kind, there remained strong opposition among the public to the idea of introducing a requirement of proof of parentage for men through DNA testing or other means.

26. Child victims of domestic violence could be offered a place at a shelter by social workers but the way to address such situations was to remove the perpetrator of the abuse from the home rather than the child.

27. There were currently 1,800 missing children in Bulgaria. The authorities were legally required to find foster families for unaccompanied child refugees; however, owing to linguistic, social and religious differences, that task was often a difficult one and it might be better to keep children of the same nationality together in groups. The Committee's views in that regard would be most valuable.

28. **Ms. Ayoubi Idrissi** said that, rather than removing abusive parents from their homes, the national authorities might want to consider offering families in difficulty support in the form of coaching on positive parenting, mediation and other types of intervention.

29. **Ms. Aho Assouma** said that the fact that early marriage was permitted in the State party gave cause for concern. She asked what measures had been taken to stop men from cohabiting with underage girls in Bulgaria.

30. **Mr. Nogueira Neto** asked whether quality standards had been set for all forms of alternative care, whether children's opinions were taken into account when decisions were taken about such care and whether appropriate services were provided in prisons for the children of women inmates.

31. **Ms. Micheva-Ruseva** (Bulgaria) said that perpetrators of domestic violence could be required to take court-ordered courses and undergo psychological counselling. Victims of domestic violence were also offered relevant courses and counselling. The Ministry of Justice funded a nationwide network of NGOs which worked with offenders and victims and provided feedback on their progress. There were very few cases of early marriage. Mobile teams of medical and social workers had been set up to provide information on parenting, vaccination and other issues to members of the Roma community.

32. **Mr. Tehov** (Bulgaria) said that consultations were currently taking place on the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the further alignment of domestic legislation with the Convention and its Optional Protocols. Bulgaria had become a party to the International Convention for the Protection of All Persons from Enforced Disappearance and had ratified the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Reduction of Statelessness and Protocol No. 15 amending the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Office of the Ombudsman had been designated as the national preventive mechanism. Any decision on the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families must be taken jointly with the other members of the European Union; however, existing national legislation already guaranteed most of the rights contained in the Convention. European Union legislation also offered protection to migrant workers.

33. **Ms. Kaneva** (Bulgaria) said that, when cases of domestic violence were reported, social workers and police officials had 24 hours in which to assess the situation and decide whether to place the child in question in care or leave him or her in the family home and remove the offender. In total, 16 crisis centres for victims of domestic violence had been set up nationwide by local authorities working with NGOs. A number of community-based family support centres had also been established. The courts and the police could also take

further action against offenders, where necessary. Various other crisis-intervention approaches were currently under consideration.

34. In 2010, a national mechanism had been set up to coordinate the efforts of NGOs, municipalities, social service providers, police authorities and prosecutors to eliminate the harmful practice of early marriage, in particular within the Roma community. Social service providers, who covered 80 per cent of the national territory, were legally bound to conduct awareness-raising campaigns on early marriage at the local level and lost their licence to practice if they failed to do so. There were also mobile teams, mainly made up of members of the Roma community, that were actively involved in raising awareness about the issue throughout the country. One result of all those efforts was a drop in the number of births among girls under the age of 15 years.

35. **Ms. Winter** asked how many parents had been removed from their homes to protect their children from violence.

36. **Mr. Madi** said that, since early marriages, with few exceptions, were in violation of the Family Code, he wondered how such marriages in the Roma community were registered. It was not clear whether those marriages were registered by the State as a matter of course. If so, the delegation should clarify the official procedures for doing so.

37. **Ms. Kaneva** (Bulgaria) said that research had been conducted as a basis for devising appropriate training courses for professionals who worked with children. The development of those training courses had been funded partly by the Government and partly by European Union operational programmes. The State Agency for Child Protection also required every service provider in the sector to run annual training courses for its staff. Local authorities were responsible for the oversight of such courses for professionals who worked with children at the local level.

38. **Ms. Dmitrova** (Bulgaria) said that the Government had been monitoring the effectiveness of its National Strategy for Children, which had been extended until 2020. A special working group had concluded that in order to combat the country's main problem — child poverty — the focus of the Strategy should be shifted from prevention to protection and family support.

39. The Government's principal supplier of statistical information was the National Statistical Institute. Its data collection procedures met all international standards. There were effective mechanisms in place to facilitate data sharing between government bodies. The Institute was evaluating the effectiveness of government spending on all national strategies, including the National Strategy for Children.

40. **Mr. Gastaud** said that additional information was needed on the specific measures envisaged under the National Strategy for Children to support families and help children and on the budget allocations for children's programmes under the relevant ministries.

41. **Ms. Dmitrova** (Bulgaria) said that the various programmes for children run by the ministries covered their basic needs in sectors such as health and education. The Government was in the process of evaluating the National Strategy for Children with a view to updating it. NGOs, the United Nations Children's Fund (UNICEF) and the Ombudsman had been involved in the evaluation process. Although she could not yet say exactly how it would be updated, it was expected that access to social services, in particular residential services, would increase under the Strategy.

42. **Ms. Micheva-Ruseva** (Bulgaria) said that her Government did not register early marriages. It registered marriages of persons over 18 and, in exceptional cases, 16 years of age. As in other European countries, more and more couples tended to enter into partnerships rather than marriages.

43. **Mr. Madi** said that further clarification concerning the early marriages mentioned by the delegation was needed. He asked whether the children born to persons under 18 years were registered as having been born out of wedlock.

44. **Ms. Micheva-Ruseva** (Bulgaria) said that the delegation's use of the term "early marriages" to refer to partnerships involving persons under 18 years should not be interpreted as official recognition of any kind. Children born to mothers under 18 years were registered. However, since such children were often not recognized by their fathers, in many cases they were raised by their mothers alone. She would consult the relevant Irish legislation governing early marriage as had been suggested earlier.

45. **Ms. Kaneva** (Bulgaria) said that efforts had been made to improve cooperation between the Ministry of Health, the Ministry of Education and Science, and local and regional authorities in order to share best practices and effectively implement programmes with European Union and World Bank funding. The work of health mediators in areas with large Roma populations was a good example of the success of such efforts. The Government was also developing a plan to deploy educational mediators who would work to promote positive parenting skills in Roma communities. Her delegation would provide the Committee with available data on the rate of birth registration at a later date.

46. The State Agency for Child Protection was not a part of the Ministry of Labour and Social Policy. The Chair of that agency was nominated by the Minister of Labour and Social Policy, but was appointed by the Prime Minister. The Agency's budget was included in the Ministry's budget for administrative reasons, but the Agency was entirely independent. Its Chair coordinated the work of the Government's 10 main child protection bodies.

47. **Mr. Gastaud** said that it was his understanding that the State Agency for Child Protection coordinated the work of a number of bodies, but that it did not coordinate the work of the ministries to which those bodies were answerable. Who, ultimately, was responsible for such coordination? Was it the Prime Minister?

48. **Ms. Kaneva** (Bulgaria) said that the Prime Minister appointed the Chair of the State Agency for Child Protection, and that the Chair coordinated the work of the 10 bodies which dealt specifically with children.

49. **Ms. Micheva-Ruseva** (Bulgaria) said that a legislative amendment of 2012 had mandated the Ombudsman to protect the rights of the child. The proposal to create the post of an ombudsman for children had been discussed, but had ultimately been rejected, since the Ombudsman's deputy was already directly responsible for vulnerable groups, including children. Some cities also had local ombudsmen.

50. Although Bulgaria had some years previously been found by the European Court of Human Rights to have violated the rights of Roma whose homes had been demolished, measures had since been taken to improve their treatment. Before homes in Roma communities were torn down, the Government worked together with local mayors to ensure that plans had been put in place to provide alternative housing arrangements.

51. **Mr. Damyanov** (Bulgaria) said that the Ministry for Education and Science worked with NGOs to ensure that Roma children received an education. Children who were not native speakers of Bulgarian were entitled to receive instruction in their native language in kindergartens and schools funded by municipalities. Curricula had been produced in Turkish, Hebrew and Armenian for grades 1 to 8 and in Romani for grades 2 to 8. NGOs provided optional classes in folklore for Roma children.

52. The Preschool and School Education Act would enter into force in August 2016 and would make inclusive education an integral part of the right to education. It provided for support for the personal development of children with disabilities, including classroom

environments adapted to their needs. The Government worked with a range of social and other service providers at the local level. A mechanism to coordinate the work of service providers had been established in the schools. Local teams responsible for the personal development of children with disabilities were supported by national programmes for children with special needs.

53. **Ms. Micheva-Ruseva** (Bulgaria) said that approximately half of the children with disabilities attended regular schools, while the others went to specialized schools.

54. **Ms. Ayoubi Idrissi** said that child poverty was much more prevalent in the State party than in the European Union as a whole (with a child poverty rate of 41.2 per cent of children versus 27.7 per cent). She asked what measures were being taken to develop an integrated strategy to combat child poverty.

55. **Mr. Nelson** asked whether the Government's commitment to respond to reports of domestic violence within 24 hours was set out in domestic legislation or whether it was simply a matter of policy.

56. **Ms. Kaneva** (Bulgaria) said that the Government's commitment to respond to reports of domestic violence within 24 hours was indeed laid down in national laws, including the Child Protection Act.

57. **Mr. Gastaud** said that, although corporal punishment was prohibited in most settings, the Criminal Code did not establish any penalties for offenders. As a result, corporal punishment seemed to be widely tolerated. It appeared that no campaigns had been conducted to raise awareness of the problem. He asked what measures would be taken to change attitudes towards corporal punishment and, ultimately, to eradicate the practice. He asked whether baby boxes were widely used as infants' beds in Bulgaria. He would like additional information on the State party's provision of specialized centres for the early diagnosis and treatment of disabilities in children. He wondered why the State party had implemented multiple strategies for children with disabilities during the same period. Why had a more global approach not been taken? He asked whether the results of the 2010-2013 National Programme on Guaranteeing the Rights of Children with Disabilities had been analysed. Had the programme been renewed or abandoned?

58. The report submitted by the State party made reference to integrated education in specialized centres for children with disabilities rather than inclusive education for such children in mainstream schools with specialized support. He asked what measures had been or would be taken to reduce smoking and drug use among teenagers, whether the National Programme for Mental Health 2013-2020 had undergone a midterm evaluation, whether there were sufficient mental health consultation services in place and whether they covered the whole country, given the high number of teenage suicides. He would appreciate more information about the 2020 National Strategy for Reducing Poverty and Encouraging Social Inclusion and the National Development Programme: Bulgaria 2020, and he would like to know whether those initiatives had been allocated sufficient funding and other resources.

59. He would be interested to know whether the status of implementation of the numerous education strategies in place had been assessed, whether they received adequate public funding, how the budget for such strategies was distributed and whether any private funding was used. He would also be interested to learn which stakeholders had entered into contracts with the State party aimed at reducing the school dropout rate. Noting the high dropout and absenteeism rates in schools, the insufficient training of teachers and the outdated teaching methods used in the education system, he asked whether instruction regarding the rights of children would be incorporated into the curriculum. He wished to know the results of the measures implemented to reduce violence in schools, whether they had been rolled out across the country and whether children and teenagers had been

consulted during their development. He asked whether playgrounds were supervised by adults and what measures were in place in case of accidents.

60. **Mr. Madi** said that he welcomed the reforms to the juvenile justice system introduced in the State party, particularly the 2011 State Policy Concept for Juvenile Justice and the 2013 road map for its implementation, and would be grateful for an update on the progress of those reforms and any measures being taken to expedite their implementation. He was concerned that children as young as 8 years of age were being placed in closed correctional facilities, that the law did not expressly provide that the arrest, detention or imprisonment of a child should be used only as a measure of last resort and for the shortest appropriate period of time, that the pretrial detention of children in conflict with the law and the term "antisocial behaviour" had not been abolished and that legal counsel and representation for children were not provided for in the Law on Juvenile Justice. There was a general lack of training on the rights of children, and training programmes needed to be expanded to include all those working in the juvenile justice system, including police officers, social workers and judges. He would appreciate more information on measures to prevent the exploitation of socially vulnerable children, particularly those from Roma backgrounds, in the agricultural, industrial and household labour sectors and on the role of labour inspectors, who had already identified several cases of child labour. He noted that many children, including high numbers of Roma children, who were living on the streets had been placed in specialized institutions. It would be useful to have information about the results of investigations into reports of sexual exploitation and abuse in closed institutions, particularly when the cases involved children with intellectual disabilities and children in the juvenile justice system, since such cases had come to light during monitoring visits in 2010. He asked whether the amendments to national legislation on combating sexual abuse, the exploitation of children and child pornography that had been submitted to the parliament in 2013 had been adopted. He welcomed the amendments made to legislation on child protection and the protection of victims of trafficking but remained concerned about the plight of child victims of trafficking, who were often referred to institutional settings such as crisis centres and correctional boarding schools that were ill-equipped to provide the services such children required and where they were sometimes subjected to physical and psychological violence. Such institutions did not have competent guardians to care for the children, and inspections were superficial and infrequent. He wished to know what efforts the State party was making to tackle those problems and whether child victims of trafficking received psychological assistance as part of their reintegration into society.

61. He welcomed the State party's continued cooperation with the Office of the United Nations High Commissioner for Refugees but was still concerned about significant gaps in the refugee and asylum system. An additional 1,500 police officers had been deployed and a 33-km fence constructed along the border with Turkey. Irregular migrants faced immediate deportation, with no opportunity for registration or review of their status, and no identification, referral or interpretation services were in place, which meant that unaccompanied children might not be identified as such, or might be placed in detention centres rather than being referred to the State Agency for Refugees. A lack of capacity in reception centres meant that unaccompanied children were being housed with adults who were not related to them. In February 2015, the monthly allowance of 65 leva for asylum seekers in reception centres had been discontinued. Furthermore, no systems were in place to identify children who had been victims of abuse or who had been involved in armed conflict, and there was no working mechanism for the appointment of guardians or representatives for unaccompanied children. Amendments to the legislation on asylum and refugee status had been drafted in 2013 but had not yet been implemented. While child protection laws made provision for legal assistance, there were no administrative or financial arrangements in place to ensure that refugee children had access to such assistance. Age assessments were based solely on X-rays, which ran counter to the Committee's

general comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin (CRC/GC/2005/6). He asked what other procedures were being considered for use in age assessments. Accompanied children continued to be placed in detention facilities alongside their families, and there were no guarantees in place to ensure speedy judicial review of the initial decision to place them in detention. He deplored the rise of hate speech against refugees in the media and on the part of high-level officials and would be grateful if the delegation could address all of those concerns.

62. Turning to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, he said that he would appreciate it if the delegation could elaborate on expected amendments to existing legislation on child pornography and the sale of children with a view to incorporating the provisions of article 3 of the Optional Protocol. Further information was also needed on legal action aimed at putting an end to the exploitation of children aged between 14 and 18. He asked whether the State party had established and exercised extraterritorial jurisdiction over all crimes covered under the Optional Protocol and whether it would use the Optional Protocol as an instrument for extradition in cases where no bilateral extradition agreement existed.

63. With regard to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, he would like clarification of the statement in the State party's report that no children had been identified as having been involved in armed conflict, despite the fact that most children arriving as refugees and asylum seekers came from countries where conflict was widespread. He asked whether legislation would be amended to introduce a ban on the sale of arms to States where children were known to have been involved in armed conflict.

64. **Mr. Gurán** asked whether there was cooperation at the municipal and regional levels between the State Agency for Child Protection and the Agency for Social Assistance, whether local child protection departments would be given increased resources to reflect the widening of their mandate, how the State party intended to rectify the shortage of professionals in those departments, whether there were plans to improve the targeting of means-tested family allowances for children and whether there was an explicit prohibition against the removal of children from their biological parents solely on economic grounds.

65. **Ms. Khazova** said that she would like to know whether open adoption was permitted and legally regulated in the State party. The Committee had received information that open adoption was permitted but was not always dealt with in a sensitive manner. She asked whether the State party had any plans to take corrective action. She also wondered whether the Government was concerned about the fact that international adoptions far outnumbered domestic adoptions.

66. **Ms. Aho Assouma** said that statistics were needed on neonatal, maternal and infant mortality. She asked what measures were in place to reduce the high number of premature births and unmonitored pregnancies. She would appreciate it if the delegation could comment on reports that a number of children had been separated from their mothers, some of them at birth, and would like to know the extent to which those women were involved in caring for their children. She was concerned about the low rates of breastfeeding and vaccination coverage in the State party. She asked whether teenagers received information on reproductive health and wondered what programmes were in place in that area. Further information was needed on the issue of abortion in Bulgaria, particularly with regard to support for pregnant teenagers. She asked what programmes were in place to prevent mother-to-child transmission of HIV/AIDS and what the prevalence rate was in the State party. She would also be interested to learn what measures were in place to tackle tuberculosis and what steps where being taken in the area of oral health.

67. **Ms. Winter** asked what measures were taken to ensure that prison authorities responded to the needs of children born or living in prison with their mothers, whether children whose parents were incarcerated faced discrimination in schools and, if so, what programmes were in place to prevent such discrimination and support those children.

68. **Mr. Cardona Llorens** said that clarification was needed on the types of disabilities included in the statistics that showed that 50 per cent of children with disabilities attended mainstream schools. He would appreciate further details of the budget for inclusive and special education and wondered what priority was given to inclusive education under the national education policy. He asked what training programmes were in place to ensure that teachers could provide effective inclusive education, who was responsible for deciding which type of educational establishment a child with disabilities attended, what plans had been developed to end the institutionalization of children with disabilities, how inclusive access to culture, sport and play was ensured and what measures had been taken in the area of health for children with disabilities.

69. **Mr. Rodríguez Reyes** asked what steps had been taken to protect parents from the influence of aggressive marketing of breast-milk substitutes, how many hospitals were accredited under the UNICEF Baby-Friendly Hospital Initiative, what support was available in hospitals to support breastfeeding mothers and whether the World Health Organization International Code of Marketing of Breast-milk Substitutes had been incorporated into national legislation.

70. **Mr. Guráň** asked why children deprived of parental care were institutionalized in family placement centres rather than placed directly with foster families or in kinship-based care. He would welcome more information on the sustainability and quality of the foster care system, including the procedures used for the selection, training and monitoring of foster parents and of children living in kinship care settings. Lastly, he wished to know whether there were any plans to monitor and support the more than 250,000 children whose parents were working outside of the country.

71. **Ms. Khazova** asked how the State party intended to address the shortage of qualified child psychologists and the lack of sufficient community-based services. She was also concerned about reports that male circumcision procedures were frequently performed in non-sterile circumstances.

*The meeting rose at 1 p.m.*

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# Convention on the Rights of the Child

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**Committee on the Rights of the Child**
**Seventy-second session**

**Summary record of the 2124th meeting**
Held at the Palais Wilson, Geneva, on Monday, 30 May 2016, at 3 p.m.

*Chair*: Ms. Winter (Vice-Chair)

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Consideration of reports of States parties (*continued*)

*Combined third to fifth periodic reports of Bulgaria* (continued)

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*In the absence of Mr. Mezmur, Ms. Winter, Vice-Chair, took the Chair.*

*The meeting was called to order at 3 p.m.*

**Consideration of reports of States parties** (*continued*)

*Combined third to fifth periodic reports of Bulgaria* (continued) (CRC/C/BGR/3-5; CRC/C/BGR/Q/3-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Bulgaria took places at the Committee table.*

2. **Ms. Micheva-Ruseva** (Bulgaria) said that in 2014, according to the Prosecutor's Office, 54 persons had been convicted of engaging in sexual intercourse with a child under the age of 14, and 143 persons had been convicted of cohabiting with a child under the age of 16. In the first half of 2015, 39 persons had been convicted of engaging in sexual intercourse with a child under the age of 14, and 84 persons had been convicted of cohabitating with a child under the age of 16.

3. Her delegation would provide the Committee with a translation of an ordinance on the protection of children which set forth a detailed definition of violence. Regarding the tradition of "salting" newborn babies, the practice was not at all common in Bulgaria. It was confined to certain regions and was not a tradition associated with the Roma community.

4. **Mr. Danyanov** (Bulgaria), replying to the question raised concerning bullying in schools, said that a national mobile group of psychologists responsible for providing crisis intervention treatment for students at risk of becoming victims of violence operated throughout the country.

5. **Mr. Madi** (Country Rapporteur) said that the number of adults convicted of having had sexual intercourse with a child or living with a child under 16 years of age seemed very high, especially given that, as a general rule, only around 10 to 20 per cent of such offenders were ever actually convicted. What was the term of imprisonment for those offences and were they sufficient to act as a deterrent?

6. **Ms. Oviedo Fierro** said that the Committee would be interested in learning more about what was being done to support families who experienced problems such as addiction and mental and emotional disorders. What action was being taken to monitor situations where children could end up being left without parental care? The Committee was keen to learn about training provided to parents and teachers in order to help them guide children to use social networking websites safely.

7. **Ms. Micheva-Ruseva** (Bulgaria) said that the sentence for the offence of having had sexual intercourse with a child under the age of 14 was between 2 and 6 years of imprisonment. The sentence for cohabitation with a child under the age of 16 was up to 2 years of imprisonment, probation or community service. The punishments were therefore severe enough to function as a deterrent. Nonetheless, the Government believed that education was the key to combating those practices: it was necessary to raise public awareness of the problem and increase efforts to reduce school dropout rates.

8. **Ms. Kaneva** (Bulgaria) said that the Government now focused its efforts on supporting the family as a unit, as it acknowledged that the previous approach — targeting adults and children separately — had been ineffective. Social services operating at the community level were provided to families at home or in family-type placement centres. Mobile services were also provided, especially when there was a member of the family with disabilities. The Government would endeavour to raise awareness of the dangers of social media and would consider carrying out a campaign on that subject in the near future.

9. **Ms. Micheva-Ruseva** (Bulgaria) said that juvenile justice reforms were necessary given that the Law on Counteracting Antisocial Behaviour of Juveniles and Minors dated back to 1958 and was outdated. The approach had been to place children under the age of 14 years who committed an offence in closed institutions. Following official visits, it had been discovered that some of those institutions were not providing an adequate education to the children. The educational programme was not properly adapted to their needs, as they had different levels of ability and understanding, and there was also a shortage of staff. The facilities were not achieving their objective of preparing the children to successfully reintegrate into society. There had also been instances of child abuse, that had resulted in the closing of one institution in 2014. There were plans to close down existing institutions for children under the age of 14 years and reform the remaining institutions.

10. In response to concerns about the closed facilities, the Government had entered into consultations with the non-governmental organizations working in the area of education and juvenile justice in Bulgaria to seek their input on how to reform the system. With support from the United Nations Children's Fund (UNICEF), a new, modern juvenile justice code had been drafted in accordance with international standards. It was essential to train professionals to implement the new code properly and, for that reason, the Government had carried out training activities for all parties involved in dealing with children, such as judges, prosecutors, police officers and social workers.

11. Having child-friendly spaces in all district courts in Bulgaria was a priority for the Government. It planned to set up 28 so-called blue rooms outside the courtrooms and to provide for videoconferencing in courts that lacked such child-friendly spaces for interviewing children. The restorative justice approach was just now being introduced in Bulgaria. Challenges to be met in order to incorporate it more fully into the justice system included providing proper training to mediators and changing society's way of thinking about justice.

12. Child labour was an issue that affected all countries in the European Union, and Bulgaria would continue to work to tackle the problem. Directive 2011/36/EU of the European Parliament and of the Council, on preventing and combating trafficking in human beings, and Directive 2011/92/EU of the European Parliament and of the Council, on combating the sexual abuse and sexual exploitation of children and child pornography, had both been incorporated into the Bulgarian legal framework. The relevant amendment to the Criminal Code had entered into force in September 2015.

13. **Ms. Ayoubi Idrissi** said that the Committee would like to learn more about the sexual assaults that had occurred in closed institutions. Had they been investigated and had the perpetrators been convicted? Was there a standardized approach to addressing the problem of sexual violence throughout Bulgaria?

14. **Ms. Micheva-Ruseva** (Bulgaria) said that the cases of sexual assault had been investigated but there had been no prosecutions. The institution where the abuse had taken place had been closed down. There was a protocol in place for dealing with sexual violence in all closed institutions in Bulgaria. The protocol had been amended in 2015 and there were plans for further amendments once new closed institutions had been opened. Concerning the question raised about the increase in hate speech, it was not government officials as such but rather certain political party leaders who had used the sensitive issue of refugees in order to advance their parties' interests. Open adoption was not practised in Bulgaria and was not recognized under the law. An adoption committee was responsible for overseeing adoptions and matching children with families.

15. The one women's prison in Bulgaria was equipped with special obstetric facilities. Women who gave birth in prison and their children were provided with all the necessary medical and dental care.

16. **Ms. Khazova** said that the Committee would like to know if the State party was planning to take measures to make adoption more appealing to Bulgarians in order to increase the number of children adopted nationally, rather than internationally.

17. **Ms. Madi** asked whether women who gave birth in prison were allowed to keep their child with them and, if so, up until what age. In cases in which a woman had other children, were they allowed to visit their mother in prison?

18. **Ms. Aho Assouma** said that she would like to know more about how the adoptive family environment was monitored after the child had been placed with a family.

19. **Ms. Micheva-Ruseva** (Bulgaria) said that it was important to try to increase the number of children adopted within Bulgaria. There were numerous reasons why Bulgarians tended not to adopt children, such as an aversion to adopting Roma children, children with special needs or older children. To address that issue, the Government would work on changing societal attitudes towards adoption. The situation of children in all national and international adoptions was monitored for a period of two years, and post-adoption visits to assess the child's progress and development were required at least once every six months. Women who gave birth in prison were able to keep the baby with them until the child reached the age of 1 year. Children were able to visit their mothers in prison and a special facility had been constructed for that purpose. Although discrimination was not generally experienced by children whose parents were in prison in major cities, in rural areas, it was possible that such a problem existed.

20. **Ms. Kaneva** (Bulgaria) said that a number of campaigns on the issue of child trafficking had been carried out. The most successful of those campaigns had involved prominent figures who had helped raise awareness of the problem. Such campaigns would continue to be supported in the future. Concerning the quality of all forms of alternative care, there were a number of steps taken, mainly coordinated by the State Agency for Child Protection, to monitor each service provider of alternative care, in accordance with the Social Assistance Act. There was also a strict procedure in place to obtain licences to provide social services to children. Both municipalities and private sector providers were able to apply for the licence and, as of May 2016, there were 214 such licensed providers of social services for children.

21. Turning to the concern about the participation of children in decision-making, she said that all services provided to children were based on an individual care plan, following an assessment that involved the child. The child's opinion must be taken into consideration in drafting the care plan and, once the plan was approved, the social service provider monitored its implementation at least once every three months.

22. **Ms. Ayoubi Idrissi** asked how private providers of social services were financed. Did they provide services to children who had been abandoned by their parents? Was the care plan mentioned applicable to all children who were assisted by a social service provider?

23. **Ms. Kaneva** (Bulgaria) said that all children benefited from the social care plan, as the requirement to draft such a plan applied to all children in social care and to all service providers.

24. **Ms. Aho Assouma** said that she would like to know what role municipalities played in providing social services.

25. **Ms. Kaneva** (Bulgaria) said that municipal authorities were a key partner in providing social services to children. The mayor of each municipality was responsible for promoting and protecting the rights of children. In those regions where there were few non-governmental organizations that provided social services, the municipality acted as a

service provider. In all cases, public and private sector service providers were well regulated and monitored.

26. Although it was true that there was a problem in providing appropriate services for the children of women detainees, numerous non-governmental organizations had established good practices in different regions of the country in that regard and the Government would continue to direct efforts towards establishing a national mechanism to provide such services. In 2015, there were fewer than 55 children aged between 10 and 14 years in detention in Bulgaria.

27. Child labour was forbidden in Bulgaria, and a National Plan Against the Most Severe Types of Child Labour had also been developed. Permits were required to employ children between the ages of 16 and 18 years, and 2,605 such permits had been issued in 2015. In 2015, 89 instances of violations of the prohibition against employing children had been identified.

28. A number of special centres to care for children living on the street had been set up in Bulgaria. They covered half the country and were concentrated in areas with high numbers of street children. The centres aimed to reunite the children with their families, if possible, and to provide them with education and health services. Commissions had also been set up to coordinate the work of the police, municipalities and courts in protecting children living on the street.

29. Although there were not enough specialized centres for child victims of human trafficking, there was a good network of social service, rehabilitation and social integration centres. There were also crisis centres that specialized in the social reintegration of trafficked women and girls. The budget for such centres was sufficient for them to carry out their work.

30. **Mr. Madi** said that he wished to learn more about how foreign victims of trafficking were assisted in Bulgaria, especially regarding access to accommodation, education and health care.

31. **Ms. Kaneva** (Bulgaria) said that, when they were children, foreign victims of trafficking were treated in the same way as Bulgarian victims. They were initially housed in a crisis centre for a period of six months, where they were provided with psychological and social support and had access to health care and education. Children were always required to attend school. In cases where local schools would not accept foreign children due to concerns about language barriers, for example, another school was found, in collaboration with social service providers.

32. **Mr. Madi** said that the he would like to know what happened after the initial six-month stay in the crisis centre.

33. **Ms. Kaneva** (Bulgaria) said that, after the first six months, the child was able to stay for another six-month period if necessary. After that, the child would move on to a rehabilitation centre or a residential care centre, or would be placed with a foster family or adopted by a family. The first six months were used to get to know the child and explore suitable options with them.

34. **The Chair** asked if, during the first six-month period, attempts were made to contact the child's parents.

35. **Ms. Kaneva** (Bulgaria) said that it was mandatory to attempt to contact the parents of the child during the first six months. Turning to the subject of support provided to families, she said that the Government made it possible for them to receive financial benefits under four different laws, namely the Child Protection Act, the Social Assistance Act, the Law on the Integration of People with Disabilities, and the Family Allowances for

Children Act. Different types of support centres had been set up, including 120 community centres, to provide services to families throughout Bulgaria. Some of the social assistance centres were funded by the State, such as centres for community support and rehabilitation centres, while others were run by non-governmental organizations. One specific project, which had proved successful, had targeted families living in rural communities and entailed setting up a social assistance centre to improve access to employment, health care and education.

36. There were 147 child protection departments under the administration of the Agency for Social Assistance, employing over 700 social workers, active across Bulgaria. Their workload was often heavy; however, by fostering collaboration between child protection departments and local social service providers, the Government had enabled the social workers to better manage the number of cases received. In divorce proceedings, for example, the child protection department would be required to provide a report to the courts following an assessment of the best interests of the child. In order to assist them in conducting their research and drafting their report, the child protection departments were able to request the assistance of social service providers. The budget allocated to the child protection departments in 2016 was around 6 million euros.

37. **Mr. Gurán** asked whether the separation of children from their biological families for economic reasons was explicitly prohibited.

38. **Ms. Kaneva** (Bulgaria) said that it had been common practice in the past to remove children from poorer families but it was now understood that that usually was not in the child's best interests. Children were still sometimes removed from their family setting but they were placed in family-type placement centres in which there was a friendly atmosphere and only a small number of children. Great efforts were made to help the parents improve their economic situation — for example by providing them with additional social support by assisting them to obtain the benefits they were entitled to. The local community support centre, when alerted by the child protection department, helped the parents improve their parenting skills. The support of the extended family might also be sought.

39. **Ms.** Petya **Dimitrova** (Bulgaria) said that child mortality was declining, even though, at 7.6 deaths per thousand live births (2014), the rate was still high by European Union standards. The main causes of death were conditions originating in the perinatal period and congenital anomalies. The State provided all children with health insurance coverage, but adults were insured by their employers or had to make other arrangements. Uninsured mothers were not deprived of care, however: for example, in the period 2011 to 2015, nearly 33,000 women had attended mobile medical units for a medical examination. Her country's approach to dealing with HIV/AIDS and tuberculosis was described in detail in the report and the replies to the list of issues.

40. **Ms. Aho Assouma** asked whether the health statistics that had been provided by the delegation also covered children from vulnerable groups, such as Roma children. The vaccination rate seemed rather low for that group. She would appreciate an answer to her question regarding premature births. Early pregnancy among girls in relationships with adult men was also an issue.

41. **Ms. Dimitrova** (Bulgaria) said that the law had been amended to allow uninsured women to attend hospital for medical examinations. Hospital deliveries were free of charge for all women regardless of their insurance status. Numerous campaigns had been conducted to raise awareness among the Roma population of health risks such as those associated with a failure to vaccinate children. Those campaigns were not ad hoc but ongoing; some were conducted by NGOs but the majority were State-run and involved the Ministry of Education, the Ministry of Health, health mediators and the police.

42. **Ms. Aho Assouma** enquired whether ambulance services and medicine were free of charge. She would like to know whether hospitals still routinely separated newborn babies from their mothers.

43. **Ms. Dimitrova** (Bulgaria) said that the practice of separating babies from their mothers had been discontinued.

*The meeting was suspended at 4.35 p.m. and resumed at 4.50 p.m.*

44. **Mr. Damyanov** (Bulgaria) said that the majority of children with special needs were educated in mainstream schools; out of a total of 15,000 special-needs children, only 2,200 were in special schools. The procedure for evaluating children's needs was triggered by a request from the parents, whereupon the local Support Centre for Personal Development conducted an assessment and made a recommendation to the Regional Inspectorate of Education, which took the final decision. Children with special needs who were in mainstream schools received additional support from specialists and resource teachers, and each child had an individual education plan containing personal development goals. Everything was done to keep children in mainstream schools and reduce the numbers being sent to special schools. Annual budget allocations were 2,000 leva per child with special needs, 7,000 leva for those who required residential schooling and 8,500 leva for children with sensory disabilities. As part of the Strategy for Reducing Early Dropouts from the Education System, two years of preschool were provided for children who did not speak Bulgarian. Textbooks were provided free of charge to children from socially disadvantaged families as a means of promoting school attendance.

45. **Mr. Cardona Llorens** said that it was important for the delegation to report on the challenges that faced the State party as well as on its achievements in order to help the Committee to formulate relevant recommendations. The Committee was aware, for example, that there were problems with inclusive education in Bulgaria.

46. **Mr. Gastaud** (Country Rapporteur) said that he would like to hear in greater detail about the measures being taken to cut the dropout rate and school absenteeism, given the magnitude of the problem in the State party.

47. **Mr. Damyanov** (Bulgaria) said that the attainment of inclusive education did indeed present problems, as it required enormous inputs of resources. It was difficult to find enough specialists to fill the need for speech therapists, for example. Many parents believed that their child should have an individual personal assistant, but that was simply not possible. It was hoped that the planned new legislation on preschool and school education would have the effect of making sufficient resources available.

48. School dropout was a major problem, particularly among minority groups. The early warning and intervention system was designed to alert parents to the problem and to encourage dialogue among stakeholders such as social service providers and the corresponding Child Protection Department. An action plan was in place for the coming years.

49. **Ms. Kaneva** (Bulgaria) said that, as of April 2016, some 6,300 children were in kinship-based care. They included around 2,500 children whose parents had gone to work abroad. Some were registered as having been officially placed with relatives but, even if they were not, the State was aware of their existence and they were duly monitored; that was possible because all adults saw it as their responsibility to alert child protection departments or call the children's hotline if they learned that a child had been abandoned or was being subjected to abuse. Bulgaria was a small enough country for such a system to work well.

50. A proper review of foster care would be carried out in 2016. The foster care system had been introduced in 2009 so was still quite recent. It seemed to be most successful in

smaller towns and communities. Placement in friends' families was another option. Recruitment of foster parents was coordinated by the child protection departments in collaboration with employment agencies, although NGOs were the main recruiters. Pilot campaigns were under way in selected municipalities to attract applicants. Basic training was provided chiefly by social service providers but, in addition, every foster parent received tailor-made coaching. Although the system had proved very successful, fostering had not worked in every case and several children had had to be taken back into residential care.

51. Great care was taken in selecting foster parents in order to avoid recruiting individuals who were interested in the activity mainly as a form of paid employment. Not only were Roma children accepted into foster families but there were also foster parents who were Roma.

52. **Mr. Tehov** (Bulgaria) said that Bulgaria fulfilled all its obligations as a State party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Bulgaria had been unprepared for the surge in mixed migration flows that had occurred in 2013, but it had since fully restored its protection system. It was true that barbed wire had been put in place along the border. Its purpose was to prevent illegal entry into the country, not to stop asylum seekers; there were crossing points at regular intervals to permit entry to anyone wishing to seek protection under the 1951 Convention.

53. All children identified as unaccompanied minors were treated as children at risk. The police informed the Social Assistance Directorate of the arrival of such a child, and a representative of the Child Protection Department attended the initial interview, at which the child was given age-appropriate information about how to submit an application for international protection and what other protection measures were available under the Child Protection Act. Children who decided to avail themselves of international protection were immediately referred by the border police to the State Agency for Refugees (SAR) for status determination; all relevant documentation, including on their health status, was also handed over.

54. Unaccompanied minors seeking international protection were accommodated in SAR registration and reception centres; in the rare cases when urgent measures were needed, police protection could be provided in specially adapted premises for up to 48 hours, after which the child was transferred to SAR or to the Social Assistance Directorate. Children might also be placed with foster families or in social assistance accommodation.

55. Each child was assigned a social protection worker who acted as legal guardian, with responsibility for looking out for the child's interests and protecting his or her rights under the 1951 Convention and under the Child Protection Act and for representing them in proceedings before the various agencies concerned. The provision of assistance was not dependent on refugee status. Refugee children had access to education and extracurricular activities.

56. Unaccompanied minors were never placed in any facility against their will. They were entitled to free legal assistance and, since they were deemed to be children at risk, had the same rights as Bulgarian children who were without parental care. In addition, they could be returned to their own country only if the grounds for granting refugee status had ceased to exist; such a case had never arisen. In 2016 to date, 540 unaccompanied minors had applied for asylum; the figure for 2015 was 940. As to the identification of children as victims of trafficking, social protection staff were trained to spot the signs of trafficking but the system was not foolproof.

57. **Mr. Madi** asked how unaccompanied minors who entered the country illegally were treated. It was his understanding that the social worker who was assigned to a minor could not strictly be deemed a guardian, as a guardian must be duly qualified to take care of the

child. He would like to know how the State party identified unaccompanied minors entering from Turkey, which was a non-Schengen State, and whether there were interpreters at the border with Turkey. Did children have any choice as to whether they stayed at the reception centre or not? He would be interested to learn how the State party managed to meet its obligation under international law to treat such children in the same way as its own nationals if they did not know the language.

58. **Mr. Tehov** (Bulgaria) said that children who had entered the country illegally were treated in the same way as those who had entered legally, but, naturally, they could only be dealt with at all if their presence in the country was discovered. At the start of the migrant influx, it had been difficult to find interpreters and it had been necessary to enlist anyone with appropriate skills, but now there were interpreters at the border. It was true that children had difficulty integrating into schools, but language courses were provided. The children were not obliged to stay in the centres but could go to foster families and, if necessary, into residential care. The assigned social workers were properly trained to carry out the duties of a guardian and represent the child in all legal proceedings, if necessary with specialist legal support, in accordance with the law governing those appointments. The assignment was one-to-one and, in cases where the social worker did not speak the child's language, interpreters were available.

59. **Ms. Kaneva** (Bulgaria) said that she was not aware that breastfeeding was an issue. There was no policy against breastfeeding or in favour of milk substitutes. Indeed, the Ministry of Health stipulated that the labelling on any substitute product must state that mother's milk was best for children. Special support for breastfeeding mothers was provided at the new community centres for 0-3-year-olds.

60. **Ms. Micheva-Ruseva** (Bulgaria) said that the two Optional Protocols to the Convention ratified by Bulgaria had been incorporated into domestic law.

61. **Ms. Dimitrova** (Bulgaria) said that, with regard to HIV/AIDS, health education was a part of the mainstream school curriculum, and Bulgaria and the Global Fund to Fight AIDS, Tuberculosis and Malaria had worked together on actions and campaigns that had reached some 200,000 children and young people. For those who were most vulnerable to such health risks, 18 youth clubs had been opened across the country and had facilitated peer-to-peer training for around 7,000 youngsters. Free tests for HIV and tuberculosis were available at special medical centres.

62. **Ms. Aho Assouma** asked how the State party dealt with mother-to-child transmission and whether there was access to antiretroviral treatment. She would like to hear about the approach taken to abortion in the context of adolescent health.

63. **Ms. Dimitrova** (Bulgaria) said that information campaigns were conducted on early pregnancy, abortion, sexually transmitted diseases and mother-to-child transmission. Every expectant mother was tested for HIV at the hospital in order to ascertain whether the child was at risk so that appropriate steps could be taken under the special HIV/AIDS programme.

64. **Ms. Kaneva** (Bulgaria) said that she had no figures on male circumcisions conducted in hospital or at home. As to children's mental health, Bulgaria had only 16 child psychiatrists. Efforts were being made to make the medical universities aware of the need for more qualified psychiatric practitioners, without much success to date. The issue was not a lack of investment but a lack of interest in child psychiatry. She would be interested to know how other States addressed that problem. There were many clinical psychologists, however, who worked closely with social workers and were employed in every social service agency.

65. **Ms. Khazova** said that in Europe there was a growing tendency to overmedicate children with behavioural problems such as attention deficit disorder or hyperactivity.

Overdiagnosis was a major problem in Western countries and a matter of serious concern to the Committee. The situation pointed to a real need for properly qualified child psychiatrists.

66. **Ms. Kaneva** (Bulgaria) said that the way her country dealt with such behavioural problems was to use a combined social-medical approach for coordinating the work of psychologists and other therapists. That approach was the preferred method of treatment for children with such problems in the education system.

67. **Mr. Madi** said that the Committee appreciated the delegation's openness and clarity in replying to the numerous questions and in acknowledging the existence of issues that the State party needed to tackle. More work was needed on follow-up to the Committee's recommendations on implementation of the Optional Protocols, and the reform of the juvenile justice system needed to be expedited.

68. **Ms. Micheva-Ruseva** (Bulgaria) said that she wished to thank the Committee for its frankness. The dialogue would help her Government in assessing its progress and identifying areas for improvement.

*The meeting rose at 6 p.m.*